

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEON FRANKLIN, )  
Petitioner, )  
v. ) CIVIL ACTION NO 06-202  
FRANKLIN TENNIS, et al., ) Chief Judge Ambrose  
Defendants. )  
)

**MEMORANDUM ORDER**

Leon Franklin's Petition for Writ of Habeas Corpus was received by the Clerk of Court on February 15, 2006 and was referred to United States Magistrate Judge Francis X. Caiazza for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 29, 2006, recommended that the Petition for Writ of Habeas Corpus be Dismissed and that a Certificate of Appealability be denied.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at the State Correctional Institution at Rockview, Bellefonte, Pennsylvania, and on the Respondents. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of Jan., 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is Dismissed and that a Certificate of Appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, dated December 19, 2007, is adopted as the opinion of the court.



Donetta W. Ambrose  
Chief U.S. District Court Judge

CC:

Leon Franklin, DB8158  
SCI Rockview  
Box A  
Bellefonte, PA 16823

Rebecca Spangler, Asst D.A.